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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

EDGAR O. BATRES,) Case No. CV 12-04262 DDP (PJWx)
) LASC, Case No. BC482999
Plaintiff,) **ORDER GRANTING PLAINTIFF'S MOTION**
) **TO REMAND**
v.) [Docket No. 8]
)
NEW HAMPSHIRE BALL BEARINGS,)
INC., et al.,)
)
Defendants.)
)
)
)

Presently before the court is Plaintiff's Motion to Remand Action to State Court ("Motion"). Having reviewed the parties' moving papers, the court grants the Motion and adopts the following Order.

Plaintiff originally filed his Complaint in state court on April 27, 2012, alleging various state law wage-and-hour claims. Defendant removed the action to this court on May 16, 2012, on the basis of diversity jurisdiction. Plaintiff then filed this Motion on June 14, 2012, arguing that the court lacks federal subject matter jurisdiction. Among other things, Plaintiff contends that there is no diversity jurisdiction because both Plaintiff and

1 Defendant are citizens of California.

2 A defendant who seeks to remove a case from state to federal
3 court has the burden of establishing federal subject matter
4 jurisdiction. Wilson v. Republic Iron & Steel Co., 257 U.S. 92, 97
5 (1921). Courts also "strictly construe the removal statute against
6 removal jurisdiction." Gaus v. Miles, Inc., 980 F.2d 564, 566 (9th
7 Cir. 1992). Pursuant to 28 U.S.C. § 1441(a), an action brought in
8 state court may be removed to federal court if the civil action is
9 one "of which the district courts of the United States have
10 original jurisdiction." Section 1332 provides that "district
11 courts shall have original jurisdiction of all civil actions where
12 the matter in controversy exceeds the sum or value of \$75,000,
13 exclusive of interest and costs, and is between . . . citizens of
14 different States." 28 U.S.C. § 1332(a)(1). Complete diversity of
15 citizenship is required, meaning each of the plaintiffs must be a
16 citizen of a different state than each of the defendants.
17 Caterpillar Inc. v. Lewis, 519 U.S. 61, 68 (1996). For diversity
18 purposes, a corporation is a citizen of both the state where it is
19 incorporated and the state where it maintains its principal place
20 of business. See Hertz Corp. v. Friend, 130 S. Ct. 1181, 1190-92
21 (2010). A corporation's principal place of business is where its
22 "officers direct, control, and coordinate the corporation's
23 activities," and is usually "where the corporation maintains its
24 headquarters." Id. at 1192.

25 The court finds that Defendant has not met its burden of
26 establishing subject matter jurisdiction. As Plaintiff explains,
27 Defendant's company website unambiguously states that Defendant's
28 corporate headquarters is located in Chatsworth, California. (Mot.

1 at 9-10.) Further, Defendant concedes that both its "President and
2 Vice President of Finance are located in California." (Opp'n to
3 Mot. at 4.) Accordingly, the preponderance of the evidence before
4 this court is that Defendant's principal place of business is in
5 California. Therefore, there is no complete diversity of
6 citizenship.

7 For all of these reasons, the court hereby GRANTS Plaintiff's
8 Motion and REMANDS the entire matter to state court.

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11 IT IS SO ORDERED.

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14 Dated: August 7, 2012


DEAN D. PREGERSON

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16 United States District Judge
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